

REMARKS

The Examiner has indicated the present reissue application is in condition for allowance, except for a single formal matter. The Examiner has requested that Applicant surrender the original patent, U.S. Patent 5,388,260, or in the alternative, submit an affidavit or declaration declaring that the original patent has been lost or become inaccessible. The Examiner has further noted that the previous paper submitted by Applicant, and received by the Examiner on May 3, 1999, did not include the original patent, but instead a photocopy.

Applicant respectfully submits that the original patent was included in its previous paper, which also included a response and an amended Declaration. Applicant states that it sent the original patent in the envelope in which it received the patent from the USPTO when it originally issued. As such, Applicant has submitted a signed declaration stating that the original patent was included in its mailing received at the USPTO on May 3, 1999. Applicant has also included a photocopy of the envelope in which it received the original patent, and other evidence it believes demonstrates that Applicant previously sent the original patent in its earlier mailing. Applicant thus maintains that it has surrendered the original patent, as requested by the Examiner, and reiterates that it no longer possesses the original patent. The Examiner has also noted that the present reissue application would be allowed once Applicant surrenders its original patent. Applicant respectfully requests that the Examiner allow the present reissue application, since Applicant maintains that it has surrendered its original patent, U.S. Patent 5,388,260, and no longer possesses such original patent.

Applicant encourages the Examiner to contact the undersigned at the phone number listed below, if the Examiner feels that a telephone interview, or conversation, would assist in the final

resolution of the present matter, and the allowance and issuance of the present reissue application. Applicant again thanks the Examiner for his past assistance in the prosecution of the present reissue application.

Respectfully Submitted,  
C. J. MONAHAN, et al.

By: Robert M. Sullivan  
Robert M. Sullivan  
Attorney for Applicant(s)  
Registration No. 39,391  
Telephone: (520)799-2550

From: IBM Corporation  
Intellectual Property Law  
9000 South Rita Road (90A/9032)  
Tucson, Arizona 85744

RMS/cw

Attachment: Declaration

CERTIFICATE OF MAILING  
UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner of Patents and Trademarks, Washington, D.C. 20231 on MAY 17, 2000.

Ceil White  
Ceil White